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NEWS RELEASE

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Media Advisory

Judge Orders a Halt to Additional Security for High-Risk Inmate

Defendant in criminal case is being held on an 18-count indictment, including multiple charges of kidnapping, sexual assault, and armed robbery

Sheriff files complaint with the Wisconsin Judicial Commission for unprofessional and improper conduct and abuse of authority by Judge Dennis Cimpl

Milwaukee, Wisconsin: Milwaukee County Circuit Court Judge Dennis Cimpl ordered an end to stringent courtroom security strategies provided and mandated by Milwaukee County Sheriff David Clarke for a Milwaukee serial rapist facing 940 years in prison if convicted of recent violent sexual assaults, kidnappings and armed robberies of women on the north side of Milwaukee. Accused suspect Johnathan Kirk faces eighteen (18) felony counts, including 10 Class B felonies (the 2nd highest classification of crimes in Wisconsin) and 8 Class C felonies, against four women as outlined in a criminal complaint. He was profiled recently in a local newspaper series on judicial leniency by Milwaukee circuit court judges.

Sheriff Clarke ordered that Kirk be transported by additional deputies, and have a remote stun device placed on his knee under his clothing to prevent him from disarming a deputy, attempting to escape, or assaulting court personnel, including the judge, attorneys, and people in the gallery. "This has been our protocol after the tragic escape attempt, disarming and shooting of a deputy, and shots being fired by murder defendant Laron Ball in a courtroom filled with participants and with the jury present, shortly after I became sheriff in 2002. In fact, this is how convicted serial rapist Walter E. Ellis was transported into Judge Cimpl's court for his trial, which drew no objection from the judge," Clarke said. Ellis received seven consecutive life sentences in that case.

"Every security step we take is based on well-established case law. These are pretrial proceedings, **not** in front of a jury. In fact, no judge in Milwaukee since I have been sheriff has taken this type of action based on our security procedures in pre-trial proceedings. Judge Cimpl cites on the record, a court case that involved a security device used in the presence of a jury. Kirk's proceeding yesterday was **not** before a jury," continued Clarke.

Judge Cimpl's reasoning is that Kirk has not acted out in court thus far. Clarke responded that's because his security measures don't give Kirk a chance to do so. "Laron Ball hadn't acted out in court until he got hold of a deputy's gun and fired shots. You don't wait; you prevent," Clarke said. "This defendant has nothing to lose due to the possibility of spending the rest of his life in prison if convicted. Judge Cimpl has telegraphed to this defendant on the record that security will be light. Kirk has hoodwinked the court before. He's too high an escape risk and a risk to disarm a court deputy," Clarke said.

Judge Cimpl is required by circuit court rules to notify the chief judge if he objects to security measures being used. The chief judge makes the determination after meeting with the parties involved. Judge Cimpl capriciously disregarded circuit court rules. He left a terse voicemail message for the commanding officer of the Milwaukee County Sheriff's Office Courts Division threatening Sheriff Clarke with being in contempt if the high-risk security procedure remains in place. (The recorded message left by Judge Cimpl is not being released due to it being part of the complaint.)

Sheriff Clarke filed a formal complaint today with the Wisconsin Judicial Commission, a nine-member panel whose jurisdiction extends to all state judges of courts of record, and reserve and municipal judges, regarding Judge Cimpl's actions. With that filing, Sheriff Clarke indicated that he will abide by the order from the judge while he consults with Milwaukee County Corporation Counsel lawyers, believing that the order conflicts with his constitutional authority to transport inmates and provide security for the circuit court system. "We'll do it his way for now and see what happens. Apparently Judge Cimpl knows more about inmate control and behavior than I do, even with my 33 years of law enforcement experience. The public and court personnel have a right and a need to know about this security risk," Clarke said.

Sheriff Clarke said he believes that the threat of contempt is in retaliation for his criticism of judges in Milwaukee County who hand down lenient sentences to repeat violent offenders. This belief is bolstered by the content of Judge Cimpl's statements from the bench on June 8, 2011.

Sheriff Clarke will have nothing further to say regarding this matter, due to his pending complaint to the Wisconsin Judicial Commission.